

## REMARKS

The Office Action rejected claims 1-5, 20-25, and 41-50 under 35 U.S.C. §101 as being directed to non-statutory subject matter. The Office Action rejected claims 1-13, 20-27, 30-32, 36-37, 41-60, and 63-67 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent number 6,324,335, issued to Kanda et al. ("Kanda") in view of U.S. Patent Publication number 2003/0164845 by Fayan et al. ("Fayan"). The Office Action rejected claims 28-29, 38-40, and 61-62 under 35 U.S.C. §103(a) as being unpatentable over Kanda in view of Fayan in further view of U.S. Patent number 5,682,326 by Klingler et al. ("Klingler"). The Office Action rejected claims 35 under 35 U.S.C. §103(a) as being unpatentable over Kanda in view of Fayan in further view of U.S. Patent Publication number 2004/0012594 by Gauthier et al. ("Gauthier").

The Office Action indicated that claims 16-19 and 33-34 were allowed, however the Examiner stated in an Examiner Interview of May 11, 2009 that these claims were not allowable in view of references discovered subsequent to the Office Action.

Applicant previously filed a supplemental amendment on March 18, 2009. The supplemental amendment was filed the same day as the Office Action. As discussed in the Examiner Interview of May 11, 2009, the supplemental amendment was not entered. Therefore all amendments herein are made to the version of the specification, claims, and drawings that existed before the supplemental amendment was filed.

In this Response, Applicant has amended claims 1-10, 16-23, 25-32, 34, 36,38, 40-53, 56, and 58-66. Applicant has added claims 68-84. Applicant has canceled claims 37 and 57. Accordingly, claims 1-13, 16-36, 38-56, and 58-82 will be pending after entry of these Amendments. Applicants have replaced figures 2, 4, and 14 for clarity. No new subject matter has been added.

## **I. Examiner Interview of May 11, 2009**

Applicant's representatives had a telephone interview with the Examiner on 05/11/2008. Applicant thanks the Examiner for the telephone interview. During the interview, Applicant's representatives discussed claims 1, 16, 20, 41, 51, and 65. Specifically discussed were additional limitations as to the details of the graphs recited in those claims. Applicant's representatives did not present any exhibit nor conduct any demonstration. Applicant's representatives did not discuss any prior art cited in the application, but did discuss prior art relating to Final Cut Pro 3, specifically a book, "Final Cut Pro 3 Editing Workshop" By Tom Wolsky. No agreement was reached however, the Examiner provided suggestions for additional limitations.

The participants in the interview were (1) Steven B. Theriault, (2) Adam Littman, and (3) Ali Makoui. Applicants thank the Examiner for the Interview of May 11, 2009. Applicants have amended the claims to include the kinds of limitations suggested by the Examiner during the Interview.

## **II. REJECTION OF CLAIMS 1-5, 20-25, AND 41-50 UNDER 35 U.S.C. §101**

The Office Action rejected claims 1-5 and 20-25 under § 101 as not reciting a hardware element. Applicant thanks the Examiner for the suggestion in the Office Action on overcoming this objection by reciting a specific hardware element (a display). Applicant has amended claims 1 and 20 to recite that the display is on a "graphical display device". Claims 2-5 and 21-25 depend from claims 1 and 20 respectively and therefore include the amended limitation.

The Office Action rejected claims 41-51 under § 101 as reciting a GUI, interpreted as software per se. Applicant has amended claims 41-51 to claim a "computer readable medium storing an application" rather than claiming a "GUI". As a computer readable medium with functional content is statutory subject matter under § 101 Applicant respectfully submits that the claims 41-50 are statutory subject matter.

Accordingly, Applicant respectfully requests the withdrawal of the § 101 rejection of claims 1-5, 20-25, and 41-50.

### **III. REJECTION OF CLAIMS 1-13 UNDER 35 U.S.C. § 103(a)**

The Office Action rejected claims 1-13 under §103(a) as being unpatentable over Kanda in view of Fayan. Claims 2-13 depend, directly or indirectly, from claim 1, and are thus patentable for at least the reasons specified below with regard to claim 1.

Applicants have amended claim 1 to include several limitations suggested by the Examiner in the Examiner Interview of May 11, 2009. Applicant respectfully submits that the cited references do not render claim 1 unpatentable. As claims 2-13 are dependent, directly or indirectly on claim 1, Applicant respectfully submits that claims 2-13 are patentable over the cited references for at least the same reasons that claim 1 is. In view of the foregoing, Applicant respectfully requests reconsideration and withdrawal of the §103(a) rejections of claims 1-13.

### **IV. CLAIMS 16-19 AND 33-35**

The Office Action indicated that claims 16-19 and 33-34 were allowed, however the Examiner stated in an Examiner Interview of May 11, 2009 that these claims were not allowable in view of references discovered subsequent to the Office Action.

Applicants have amended claim 16 to include several limitations suggested by the Examiner in the Examiner Interview of May 11, 2009. Applicant respectfully submits that claim 16 is valid over the newly identified references. As claims 17-19 and 33-35 are dependent, directly or indirectly on claim 16, Applicant respectfully submits that claims 17-19 and 33-35 are patentable over the newly identified references for at least the same reasons that claim 16 is. In view of the foregoing, Applicant respectfully requests that claims 16-19 and 33-35 be allowed.

**V. REJECTION OF CLAIMS 20-32 AND 36-40 UNDER 35 U.S.C. § 103(a)**

The Office Action rejected claims 20-27, 30-32, and 36-37 under 35 U.S.C. §103(a) as being unpatentable over Kanda in view of Fayan. The Office Action rejected claims 28-29 and 38-40 under 35 U.S.C. §103(a) as being unpatentable over Kanda in view of Fayan in further view of Klingler. Claims 21-32 and 36-40 depend, directly or indirectly, from claim 20.

Applicants have amended claim 20 to include several limitations suggested by the Examiner in the Examiner Interview of May 11, 2009. Applicant respectfully submits that the cited references do not render claim 20 unpatentable. As claims 21-32 and 36-40 are dependent, directly or indirectly on claim 20, Applicant respectfully submits that claims 21-32 and 36-40 are patentable over the cited references for at least the same reasons that claim 20 is. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the §103(a) rejections of claims 20-32 and 36-40.

**VI. REJECTION OF CLAIMS 41-50 UNDER 35 U.S.C. § 103(a)**

The Office Action rejected claims 41-50 as being unpatentable over Kanda in view of Fayan. Claims 42-50 are dependent directly or indirectly on claim 41.

Applicants have amended claim 41 to include several limitations suggested by the Examiner in the Examiner Interview of May 11, 2009. Applicant respectfully submits that the cited references do not render claim 41 unpatentable. As claims 42-50 are dependent, directly or indirectly on claim 41, Applicant respectfully submits that claims 42-50 are patentable over the cited references for at least the same reasons that claim 41 is. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the §103(a) rejections of claims 41-50.

**VII. REJECTION OF CLAIMS 51-64 UNDER 35 U.S.C. § 103(a)**

The Office Action rejected claims 51-60, and 63-64 under 35 U.S.C. §103(a) as being unpatentable over Kanda in view of Fayan. The Office Action rejected claims 61-62 under 35

U.S.C. §103(a) as being unpatentable over Kanda in view of Fayan in further view of Klingler. Claims 52-64 depend, directly or indirectly from claim 51.

Applicants have amended claim 51 to include several limitations suggested by the Examiner in the Examiner Interview of May 11, 2009. Applicant respectfully submits that the cited references do not render claim 51 unpatentable. As claims 52-64 are dependent, directly or indirectly on claim 51, Applicant respectfully submits that claims 52-64 are patentable over the cited references for at least the same reasons that claim 51 is. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the §103(a) rejections of claims 51-64.

#### **VIII. REJECTION OF CLAIMS 65-67 UNDER 35 U.S.C. § 103(a)**

The Office Action rejected claims 65-67 under 35 U.S.C. §103(a) as being unpatentable over Kanda in view of Fayan. Claims 66-67 depend, directly or indirectly from claim 65.

Applicants have amended claim 65 to include several limitations suggested by the Examiner in the Examiner Interview of May 11, 2009. Applicant respectfully submits that the cited references do not render claim 65 unpatentable. As claims 66-67 are dependent, directly or indirectly on claim 65, Applicant respectfully submits that claims 66-67 are patentable over the cited references for at least the same reasons that claim 65 is. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the §103(a) rejections of claims 65-67.

#### **IX. NEW CLAIMS 68-84**

Applicant respectfully submits that new claims 68-84 are fully supported by the specification and are valid over the cited references. Claims 68-77 are dependent, directly or indirectly on claim 16 and are valid for at least the same reasons. Claims 78-84 are dependent, directly or indirectly on claim 1 and are valid for at least the same reasons. Accordingly, Applicant respectfully requests that new claims 68-84 be allowed as soon as possible.

## CONCLUSION

In view of the foregoing, it is submitted that all the claims, namely claims 1-13, 16-36, 38-56, and 58-82 are in condition for allowance. Reconsideration of the rejections is requested. Allowance is earnestly solicited at the earliest possible date.

Applicant has submitted all known required fees and petitions. Accordingly, Applicant believes that no additional fees, extensions of time, other petitions, and/or other forms of relief are required for the submission of this Amendment. However, in the unlikely event that the Commissioner determines that additional fees, extensions of time, other petitions, and/or other forms of relief are required, Applicant hereby makes such petitions as are required, requests such extensions of time as are required, and requests such other forms of relief as are required and authorizes the Commissioner to charge the cost of such extensions of time, other petitions, and/or other forms of relief to **Deposit Account No. 50-3804** referencing **APPLE.P0060**.

Respectfully submitted,

ADELI & TOLLEN LLP

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/Adam Littman/

Adeli & Tollen LLP  
11940 San Vicente Blvd.Suite 100  
Los Angeles, CA 90049  
Tel. (310) 442-9300  
Fax. (310) 442-9330

Adam Littman  
Reg. No. 61,014